

Introduced by Senator Maldonado

February 22, 2005

An act to amend Section 12300 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 715, as introduced, Maldonado. In-home supportive services.

Existing law provides for the In-Home Supportive Services program, the purpose of which is to provide in every county designated supportive services to aged, blind, or disabled persons, who are unable to perform the services themselves and who cannot safely remain in their homes or abodes of their own choosing unless these services are provided.

This bill would make a technical nonsubstantive change to provisions relating to the In-Home Supportive Services program.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12300 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 12300. (a) The purpose of this article is to provide in every
- 4 county, in a manner consistent with this chapter and the annual
- 5 Budget Act, those supportive services identified in this section to
- 6 aged, blind, or disabled persons, as defined under this chapter,
- 7 who are unable to perform the services themselves and who
- 8 cannot safely remain in their homes or abodes of their own
- 9 choosing unless these services are provided.

(b) Supportive services shall include domestic services and services related to domestic services, heavy cleaning, personal care services, accompaniment by a provider when needed during necessary travel to health-related appointments or to alternative resource sites, yard hazard abatement, protective supervision, teaching and demonstration directed at reducing the need for other supportive services, and paramedical services which make it possible for the recipient to establish and maintain an independent living arrangement.

(c) Personal care services shall mean all of the following:

- (1) Assistance with ambulation.
- (2) Bathing, oral hygiene, and grooming.
- (3) Dressing.
- (4) Care and assistance with prosthetic devices.
- (5) Bowel, bladder, and menstrual care.
- (6) Repositioning, skin care, range of motion exercises, and transfers.
- (7) Feeding and assurance of adequate fluid intake.
- (8) Respiration.
- (9) Assistance with self-administration of medications.

(d) Personal care services are available if these services are provided in the beneficiary's home and other locations as may be authorized by the director. Among the locations that may be authorized by the director under this paragraph is the recipient's place of employment if all of the following conditions are met:

(1) The personal care services are limited to those that are currently authorized for a recipient in the recipient's home and those services are to be utilized by the recipient at the recipient's place of employment to enable the recipient to obtain, retain, or return to work. Authorized services utilized by the recipient at the recipient's place of employment shall be services that are relevant and necessary in supporting and maintaining employment. However, workplace services shall not be used to supplant any reasonable accommodations required of an employer by the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.; ADA) or other legal entitlements or third-party obligations.

(2) The provision of personal care services at the recipient's place of employment shall be authorized only to the extent that the total hours utilized at the workplace are within the total

1 personal care services hours authorized for the recipient in the
2 home. Additional personal care services hours may not be
3 authorized in connection with a recipient's employment.

4 (e) Where supportive services are provided by a person having
5 the legal duty pursuant to the Family Code to provide for the care
6 of his or her child who is the recipient, the provider of supportive
7 services shall receive remuneration for the services only when
8 the provider leaves full-time employment or is prevented from
9 obtaining full-time employment because no other suitable
10 provider is available and where the inability of the provider to
11 provide supportive services may result in inappropriate
12 placement or inadequate care.

13 These providers shall be paid only for the following:

14 (1) Services related to domestic services.

15 (2) Personal care services.

16 (3) Accompaniment by a provider when needed during
17 necessary travel to health-related appointments or to alternative
18 resource sites.

19 (4) Protective supervision only as needed because of the
20 functional limitations of the child.

21 (5) Paramedical services.

22 (f) To encourage maximum voluntary services, so as to reduce
23 governmental costs, respite care shall also be provided. Respite
24 care is temporary or periodic service for eligible recipients to
25 relieve persons who are providing care without compensation.

26 (g) A person who is eligible to receive a service or services
27 under an approved federal waiver authorized pursuant to Section
28 14132.951, or a person who is eligible to receive a service or
29 services authorized pursuant to Section 14132.95, shall not be
30 eligible to receive the same service or services pursuant to this
31 article. In the event that the waiver authorized pursuant to
32 Section 14132.951, as approved by the federal government, does
33 not extend eligibility to all persons otherwise eligible for services
34 under this article, or does not cover a service or particular
35 services, or does not cover the scope of a service that a person
36 would otherwise be eligible to receive under this article, those
37 persons who are not eligible for services, or for a particular
38 service under the waiver or Section 14132.95 shall be eligible for
39 services under this article.

1 (h) (1) All services provided pursuant to this article shall be
2 equal in amount, scope, and duration to the same services
3 provided pursuant to Section 14132.95, including any
4 adjustments that may be made to those services pursuant to
5 subdivision (e) of Section 14132.95.

6 (2) Notwithstanding any other provision of this article, the rate
7 of reimbursement for in-home supportive services provided
8 through any mode of service shall not exceed the rate of
9 reimbursement established under subdivision (j) of Section
10 14132.95 for the same mode of service unless otherwise provided
11 in the annual Budget Act.

12 (3) The maximum number of hours available under Section
13 14132.95, Section 14132.951, and this section, combined, shall
14 be 283 hours per month. Any recipient of services under this
15 article shall receive no more than the applicable maximum
16 specified in Section 12303.4.